

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 04-11924-RGS

IAN J. BROWN, JAMES BROWN and
BARBARA BROWN

Plaintiffs

v.

UNITED STATES OF AMERICA,
VERIZON NEW ENGLAND, INC. and
BOSTON EDISON COMPANY d/b/a
NSTAR ELECTRIC

Defendants

**DEFENDANT VERIZON NEW ENGLAND, INC.'S
PROPOSED DISCOVERY PLAN RELATIVE TO THE UNITED STATES OF
AMERICA'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

Pursuant to this Court's Order dated February 11, 2005, Verizon New England, Inc. ("Verizon") hereby submits this proposed discovery plan (the "Plan") relative to issues raised by the United States of America's motion to dismiss. The Plan sets forth proposed discovery on three discrete issues.

A. Verizon's Proposed Discovery Plan

1. ISSUE # 1: Ownership & Use of Land on Which Accident Occurred

Verizon seeks discovery on the related issues of who installed, placed, owned, maintained, patrolled, and/or used (1) the road on which the accident occurred, (2) the land immediately adjacent to the road, and (3) the guardrail and telephone pole involved

in the accident. To that end, Verizon proposes to serve tailored document requests and interrogatories to the United States of America and to take the depositions of representatives from the United States of America, the Town of Bedford, and/or the Massachusetts Port Authority (Massport).¹

2. ISSUE #2: Ownership and Use of Hanscom Field/AFB

Verizon seeks discovery on the related issues of who owns Hanscom Field/Hanscom Air Force Base and the extent of civilian versus military use thereof. To that end, Verizon proposes to serve tailored document requests and interrogatories to the United States of America and to depose representatives from the United States of America and/or the Town of Bedford, and/or the Massachusetts Port Authority (Massport) if necessary.

3. ISSUE #3: Nature of Lt. Brown's Job and Extent of Military Control over Him While he Was on a Lunch Break

Verizon seeks discovery on the related issues of the nature of Lt. Brown's job, the extent to which eating lunch at his off-base house was incident to that job, and the extent of the military's authority or control over Lt. Brown, if any, while he was off-base during his lunch break. To that end, Verizon proposes to serve tailored document requests and interrogatories to the United States of America, and to depose Brown's superior officer(s).

B. Request For Approval of Proposed Plan and Augmentation of Record

Verizon requests that the Court approve the Plan as set forth above or as modified by the Court, and permit no less than sixty (60) days for discovery from the date of receipt of the Court's Order approving or modifying the plan. Verizon also requests an

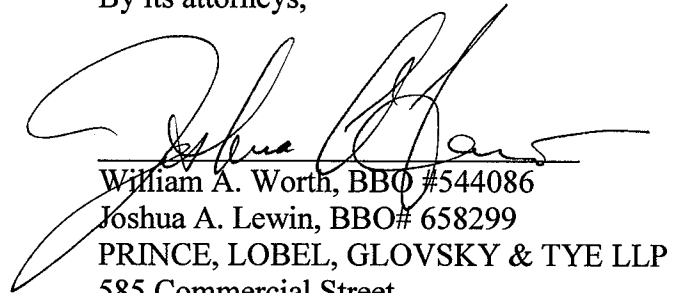
¹ Upon information and belief, Massport owns all or part of Hanscom Field/AFB and leases all or part of that land to the United States of America.

additional twenty (20) days thereafter for the parties to augment the record before the Court and submit supplemental memoranda of law, if necessary, in support their respective positions.

Respectfully submitted,

VERIZON NEW ENGLAND, INC.

By its attorneys,



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Date: February 17, 2005

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by first-class mail, postage prepaid, on 2/17/05.

